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AMENDED IN SENATE JUNE 22, 2015

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 802

Introduced by Assembly Member Williams

February 26, 2015

An act to amend Sections 25301 and 25303 of, and to repeal and add Section 25402.10 to, the Public Resources Code, and to amend Section 381.2 of, to amend and renumber Section 384.2 of, and to add Section 913.8 to, the Public Utilities Code, relating to energy efficiency.

LEGISLATIVE COUNSEL'S DIGEST

AB 802, as amended, Williams. ~~Public utilities: energy efficiency savings.~~ *Energy efficiency.*

(1) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), at least every 2 years, to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery, distribution, demand, and prices. Existing law requires the Energy Commission to use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability,

enhance the state's economy, and protect public health and safety. Existing law requires the Energy Commission to prepare an integrated energy policy report every 2 years and requires the report to include an assessment and forecast of system reliability and the need for resource additions, efficiency, and conservation that considers certain criteria.

This bill would require the Energy Commission, in consultation with the Public Utilities Commission, to make all reasonable adjustments to its energy demand forecasts conducted pursuant to the above-described provisions to account for its findings of market conditions and existing baselines, and in making those adjustments, would authorize the commission to consider the results from specified programs.

The bill would require the Energy Commission to use the above-described assessments and forecasts relating to various aspects of the energy industry to develop and evaluate energy policies and programs.

(2) Existing law requires electric and gas utilities to maintain records of the energy consumption data of all nonresidential buildings to which they provide service and requires that this data be maintained, in a format compatible for uploading to the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager, for at least the most recent 12 months. Existing law also requires, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, an electric or gas utility to upload all of the energy consumption data for the account specified for a building to the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager in a manner that preserves the confidentiality of the customer. Existing law requires an owner or operator to disclose the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager benchmarking data and rating to a prospective buyer, lessee of the entire building, or lender that would finance the entire building based on a schedule of compliance established by the Energy Commission.

This bill would revise and recast these provisions. The bill would require utilities to maintain records of the energy usage data of all buildings to which they provide service for at least the most recent 12 complete months. Beginning no later than January 1, 2017, the bill would require each utility, upon the request and the written authorization or secure electronic authorization of the owner, owner's

agent, or operator of a covered building, as defined, to deliver or provide aggregated energy usage data for a covered building to the owner, owner's agent, operator, or to the owner's account in the ENERGY STAR Portfolio Manager, subject to specified requirements. The bill would also authorize the commission to specify additional information to be delivered by utilities for certain purposes. The bill would delete the requirement of an owner or operator of a building to disclose the above-described information to a prospective buyer, lessee of the entire building, or lender that would finance the entire building. The bill would require the Energy Commission to adopt regulations providing for the delivery to the commission and public disclosure of benchmarking results for covered buildings, as prescribed. The bill would authorize the Energy Commission to impose a civil fine, as provided, for a violation of these data submission requirements.

~~Existing~~

~~(3) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) Energy Commission to develop and implement a comprehensive program to achieve greater energy savings in existing residential and nonresidential building stock. Existing law requires the Public Utilities Commission (PUC) to investigate the ability of electrical corporations and gas corporations to provide various energy efficiency financing options to their customers for the purposes of implementing the program developed by the Energy Commission.~~

This bill would require the PUC, by ~~July~~ September 1, 2016, to authorize electrical corporations and gas corporations to ~~recover in rates the reasonable costs of programs providing~~ *provide* incentives, rebates, technical assistance, and support to their customers to increase the energy efficiency of existing buildings, as ~~specified~~ *specified*, and ~~would authorize electrical corporations and gas corporations to recover the reasonable costs of those programs in rates.~~ The bill would require the PUC to authorize electrical corporations and gas corporations to count all energy savings achieved *through the authorized programs, unless determined otherwise*, toward overall energy efficiency goals or targets established by the PUC. The bill would authorize the PUC to adjust the energy efficiency goals or targets of electrical corporations and gas corporations to reflect the *estimated change in energy savings achieved in meeting or exceeding energy efficiency requirements in existing buildings.* ~~savings resulting from the program.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. It is the intent of the Legislature to support*
2 *strategies that enhance energy efficiency. Building owners should*
3 *have access to their buildings' energy usage information, which*
4 *enables understanding of a building's energy usage for improved*
5 *building management and investment decisions. It is the intent of*
6 *the Legislature that the State Energy Resources Conservation and*
7 *Development Commission create a benchmarking and disclosure*
8 *program through which building owners of commercial and*
9 *multifamily buildings above 50,000 square feet gross floor area*
10 *will better understand their energy consumption through*
11 *standardized energy use metrics.*

12 *SEC. 2. Section 25301 of the Public Resources Code is*
13 *amended to read:*

14 25301. (a) At least every two years, the commission shall
15 conduct assessments and forecasts of all aspects of energy industry
16 supply, production, transportation, delivery and distribution,
17 demand, and prices. The commission shall use these assessments
18 and forecasts to develop *and evaluate* energy policies *and*
19 *programs* that conserve resources, protect the environment, ensure
20 energy reliability, enhance the state's economy, and protect public
21 health and safety. To perform these assessments and forecasts, the
22 commission may require submission of demand forecasts, resource
23 plans, market assessments, ~~and related outlooks~~ *outlooks, individual*
24 *customer historic electric or gas service usage, or both, and*
25 *individual customer historic billing data, in a format and level of*
26 *granularity specified by the commission* from electric and natural
27 gas utilities, transportation fuel and technology suppliers, and other
28 market participants. These assessments and forecasts shall be done
29 in consultation with the appropriate state and federal agencies
30 including, but not limited to, the Public Utilities Commission, the
31 Office of Ratepayer Advocates, the Air Resources Board, the
32 Electricity Oversight Board, the Independent System Operator,
33 the Department of Water Resources, the California Consumer
34 Power and Conservation Financing Authority, the Department of
35 Transportation, and the Department of Motor Vehicles. *The*

1 *commission shall maintain reasonable policies and procedures to*
2 *protect customer information from unauthorized disclosure.*

3 (b) In developing the assessments and forecasts prepared
4 pursuant to subdivision (a), the commission shall do all of the
5 following:

6 (1) Provide information about the performance of energy
7 industries.

8 (2) Develop and maintain the analytical capability sufficient to
9 answer inquiries about energy issues from government, market
10 participants, and the public.

11 (3) ~~Analyze and develop~~ *Analyze, develop, and evaluate energy*
12 ~~policies.~~ *policies and programs.*

13 (4) Provide an analytical foundation for regulatory and policy
14 decisionmaking.

15 (5) Facilitate efficient and reliable energy markets.

16 *SEC. 3. Section 25303 of the Public Resources Code is*
17 *amended to read:*

18 25303. (a) The commission shall conduct electricity and natural
19 gas forecasting and assessment activities to meet the requirements
20 of paragraph (1) of subdivision (a) of Section 25302, including,
21 but not limited to, all of the following:

22 (1) Assessment of trends in electricity and natural gas supply
23 and demand, and the outlook for wholesale and retail prices for
24 commodity electricity and natural gas under current market
25 structures and expected market conditions.

26 (2) Forecasts of statewide and regional electricity and natural
27 gas demand including annual, seasonal, and peak demand, and the
28 factors leading to projected demand growth, including, but not
29 limited to, projected population growth, urban development,
30 industrial expansion and energy intensity of industries, energy
31 demand for different building types, energy efficiency, and other
32 factors influencing demand for electricity. With respect to
33 long-range forecasts of the demand for natural gas, the report shall
34 include an evaluation of average conditions, as well as best and
35 worst case scenarios, and an evaluation of the impact of the
36 increasing use of renewable resources on natural gas demand.

37 (3) Evaluation of the adequacy of electricity and natural gas
38 supplies to meet forecasted demand growth. Assessment of the
39 availability, reliability, and efficiency of the electricity and natural
40 gas infrastructure and systems, including, but not limited to, natural

1 gas production capability both in and out of state, natural gas
2 interstate and intrastate pipeline capacity, storage and use, and
3 western regional and California electricity and transmission system
4 capacity and use.

5 (4) Evaluation of potential impacts of electricity and natural gas
6 supply, demand, and infrastructure and resource additions on the
7 electricity and natural gas systems, public health and safety, the
8 economy, resources, and the environment.

9 (5) Evaluation of the potential impacts of electricity and natural
10 gas load management efforts, including end-user response to
11 market price signals, as a means to ensure reliable operation of
12 electricity and natural gas systems.

13 (6) Evaluation of whether electricity and natural gas markets
14 are adequately meeting public interest objectives including the
15 provision of all of the following: economic benefits; competitive,
16 low-cost reliable services; customer information and protection;
17 and environmentally sensitive electricity and natural gas supplies.
18 This evaluation may consider the extent to which California is an
19 element within western energy markets, the existence of appropriate
20 incentives for market participants to provide supplies and for
21 consumers to respond to energy prices, appropriate identification
22 of responsibilities of various market participants, and an assessment
23 of long-term versus short-term market performance. To the extent
24 this evaluation identifies market shortcomings, the commission
25 shall propose market structure changes to improve performance.

26 (7) Identification of impending or potential problems or
27 uncertainties in the electricity and natural gas markets, potential
28 options and solutions, and recommendations.

29 (8) (A) Compilation and assessment of existing scientific studies
30 that have been performed by persons or entities with expertise and
31 qualifications in the subject of the studies to determine the potential
32 vulnerability to a major disruption due to aging or a major seismic
33 event of large baseload generation facilities, of 1,700 megawatts
34 or greater.

35 (B) The assessment specified in subparagraph (A) shall include
36 an analysis of the impact of a major disruption on system reliability,
37 public safety, and the economy.

38 (C) The commission may work with other public entities and
39 public agencies, including, but not limited to, the California
40 Independent System Operator, the Public Utilities Commission,

1 the Department of Conservation, and the Seismic Safety
2 Commission as necessary, to gather and analyze the information
3 required by this paragraph.

4 (D) Upon completion and publication of the initial review of
5 the information required pursuant to this paragraph, the commission
6 shall perform subsequent updates as new data or new understanding
7 of potential seismic hazards emerge.

8 (b) Commencing November 1, 2003, and every two years
9 thereafter, to be included in the integrated energy policy report
10 prepared pursuant to Section 25302, the commission shall assess
11 the current status of the following:

12 (1) The environmental performance of the electric generation
13 facilities of the state, to include all of the following:

14 (A) Generation facility efficiency.

15 (B) Air emission control technologies in use in operating plants.

16 (C) The extent to which recent resource additions have, and
17 expected resource additions are likely to, displace or reduce the
18 operation of existing facilities, including the environmental
19 consequences of these changes.

20 (2) The geographic distribution of statewide environmental,
21 efficiency, and socioeconomic benefits and drawbacks of existing
22 generation facilities, including, but not limited to, the impacts on
23 natural resources including wildlife habitat, air quality, and water
24 resources, and the relationship to demographic factors. The
25 assessment shall describe the socioeconomic and demographic
26 factors that existed when the facilities were constructed and the
27 current status of these factors. In addition, the report shall include
28 how expected or recent resource additions could change the
29 assessment through displaced or reduced operation of existing
30 facilities.

31 (c) In the absence of a long-term nuclear waste storage facility,
32 the commission shall assess the potential state and local costs and
33 impacts associated with accumulating waste at California's nuclear
34 powerplants. The commission shall further assess other key policy
35 and planning issues that will affect the future role of nuclear
36 powerplants in the state. The commission's assessment shall be
37 adopted on or before November 1, 2008, and included in the 2008
38 energy policy review adopted pursuant to subdivision (d) of Section
39 25302.

(d) The commission, in consultation with the Public Utilities Commission, shall make all reasonable adjustments to its energy demand forecasts conducted pursuant to Sections 25301 and 25302 to account for its findings of market conditions and existing baselines, and, in making those adjustments, may consider the results from subdivisions (b) and (d) of Section 381.2 of the Public Utilities Code.

SEC. 4. Section 25402.10 of the Public Resources Code is repealed.

~~25402.10. (a) On and after January 1, 2009, electric and gas utilities shall maintain records of the energy consumption data of all nonresidential buildings to which they provide service. This data shall be maintained, in a format compatible for uploading to the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager, for at least the most recent 12 months.~~

~~(b) On and after January 1, 2009, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, an electric or gas utility shall upload all of the energy consumption data for the account specified for a building to the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager in a manner that preserves the confidentiality of the customer.~~

~~(c) In carrying out this section, an electric or gas utility may use any method for providing the specified data in order to maximize efficiency and minimize overall program cost, and is encouraged to work with the United States Environmental Protection Agency and customers in developing reasonable reporting options.~~

~~(d) (1) Based on a schedule developed by the commission pursuant to paragraph (2), an owner or operator of a nonresidential building shall disclose the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager benchmarking data and ratings for the most recent 12-month period to a prospective buyer, lessee of the entire building, or lender that would finance the entire building. If the data is delivered to a prospective buyer, lessee, or lender, a property owner, operator, or his or her agent is not required to provide additional information, and the information shall be deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager~~

1 benchmarking data and ratings for the most recent 12-month period
2 for the building that is being sold, leased, financed, or refinanced.

3 ~~(2) The commission shall establish a schedule by which an~~
4 ~~owner or operator is required to meet the requirements of this~~
5 ~~subdivision.~~

6 ~~(e) Notwithstanding subdivision (d), this section does not~~
7 ~~increase or decrease the duties, if any, of a property owner,~~
8 ~~operator, or his or her broker or agent under this chapter or alter~~
9 ~~the duty of a seller, agent, or broker to disclose the existence of a~~
10 ~~material fact affecting the real property.~~

11 *SEC. 5. Section 25402.10 is added to the Public Resources*
12 *Code, to read:*

13 *25402.10. (a) For the purposes of this section, the following*
14 *terms have the following meanings:*

15 *(1) "Benchmark" means to obtain information on the energy*
16 *use in an entire building for a specific period to enable that usage*
17 *to be tracked or compared against other buildings.*

18 *(2) "Covered building" for purposes of this section means either*
19 *or both of the following:*

20 *(A) Any building with no residential utility accounts.*

21 *(B) Any building with five or more active utility accounts,*
22 *residential or nonresidential.*

23 *(3) "Energy" means electricity, natural gas, steam, or fuel oil*
24 *sold by a utility to a customer for end uses addressed by the*
25 *ENERGY STAR Portfolio Manager system.*

26 *(4) "ENERGY STAR Portfolio Manager" means the tool*
27 *developed and maintained by the United States Environmental*
28 *Protection Agency to track and assess the energy performance of*
29 *buildings.*

30 *(b) On and after January 1, 2016, each utility shall maintain*
31 *records of the energy usage data of all buildings to which they*
32 *provide service for at least the most recent 12 complete calendar*
33 *months.*

34 *(c) (1) Subject to the requirements of paragraph (2), beginning*
35 *no later than January 1, 2017, each utility shall, upon the request*
36 *and written authorization or secure electronic authorization of*
37 *the owner, owner's agent, or operator of a covered building,*
38 *deliver or otherwise provide aggregated energy usage data for a*
39 *covered building to the owner, owner's agent, building operator,*
40 *or to the owner's account in the ENERGY STAR Portfolio*

1 *Manager. The commission may specify additional information to*
2 *be delivered by utilities to enable building owners to complete*
3 *benchmarking of the energy use in their buildings and in other*
4 *systems or formats for information delivery and automation.*

5 *(2) The delivery of information by utilities pursuant to this*
6 *section shall be subject to the following requirements:*

7 *(A) For covered buildings with three or more active utility*
8 *accounts, each utility shall deliver information showing the*
9 *aggregated energy usage of all utility customers in the same*
10 *building for each of the 12 prior months. Notwithstanding any*
11 *other law, energy usage data aggregated in this manner shall not*
12 *be deemed customer utility usage information or confidential*
13 *information by the utility for purposes of delivery to the owner,*
14 *owner's agent, or operator of a building. The building owner and*
15 *utility shall not have any liability for any use or disclosure of*
16 *aggregated usage information delivered as required by this section.*

17 *(B) For covered buildings not subject to subparagraph (A),*
18 *each utility shall deliver the information showing the aggregated*
19 *energy usage of all utility customers in the same building for each*
20 *of the prior 12 months if the accountholder provides written or*
21 *electronic consent for the delivery of the accountholder's energy*
22 *usage data to the owner, owner's agent, operator, or utility.*

23 *(C) Each utility shall deliver, upload, or otherwise provide*
24 *aggregated energy usage data within four weeks of receiving a*
25 *request from an owner, owner's agent, or operator of a covered*
26 *building.*

27 *(D) Each utility shall make available the covered building usage*
28 *data aggregated at a monthly level unless otherwise specified by*
29 *the commission.*

30 *(E) The building owner and utility shall not have any liability*
31 *for any use or disclosure by others of usage information delivered*
32 *as required by this section.*

33 *(d) The commission shall adopt regulations providing for the*
34 *delivery to the commission and public disclosure of benchmarking*
35 *results for covered buildings, as follows:*

36 *(1) This subdivision shall not require the owner of a building*
37 *with 16 or fewer residential utility accounts to collect or deliver*
38 *usage information to the commission for public disclosure.*

39 *(2) The commission may do, but is not limited to doing, all of*
40 *the following in regulations adopted pursuant to this subdivision:*

1 (A) Identify and provide for the collection of the energy usage
2 data for the calculation of benchmarking results.

3 (B) Identify and provide for the collection of the covered
4 building characteristic information deemed necessary by the
5 commission for the calculation of benchmarking results.

6 (C) Specify the manner in which certain benchmarking results
7 shall be publicly disclosed.

8 (D) Determine which covered buildings, in addition to those
9 described in paragraph (1), are not subject to the public disclosure
10 requirement.

11 (E) Set a schedule to implement the requirements for public
12 disclosure adopted by the commission.

13 (F) Determine if compliance with a local or county
14 benchmarking program fulfills the commission's requirements
15 adopted pursuant to this subdivision.

16 (G) Identify categories of information it receives pursuant to
17 this section that are protected from release under either the
18 California Public Records Act (Chapter 3.5 (commencing with
19 Section 6250) of Division 7 of Title 1 of the Government Code) or
20 the Information Practices Act of 1977 (Chapter 1 (commencing
21 with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil
22 Code).

23 (3) The commission shall determine who will deliver the energy
24 usage data and related information for any covered building to
25 the commission.

26 (e) The commission may ensure timely and accurate compliance
27 with the data submission requirements of this section by using the
28 enforcement measures identified in Section 25321. An owner of a
29 covered building, or its agents or operators, shall not be liable
30 for any noncompliance due to the failure of a utility to provide the
31 information required for compliance.

32 (f) For buildings that are not covered buildings, and for
33 customer information that is not aggregated pursuant to
34 subparagraph (A) of paragraph (2) of subdivision (c), the
35 commission may adopt regulations prescribing how utilities shall
36 either obtain the customer's permission or determine that a
37 building owner has obtained the customer's permission, for the
38 owner to receive aggregated customer information or, where
39 applicable, individual customer usage information, including by

1 *use of electronic authorization and in a lease agreement between*
2 *the owner and the customer.*

3 *(g) The reasonable costs of an electrical or gas corporation in*
4 *delivering electrical or gas usage data pursuant to this section or*
5 *other information as required under state or federal law or by an*
6 *order of the commission shall be recoverable in rates evaluated*
7 *and approved by the Public Utilities Commission.*

8 *(h) The reasonable costs of local publicly owned electric utilities*
9 *in disclosing electrical usage data pursuant to this section may be*
10 *considered “cost-effective demand-side management services to*
11 *promote energy efficiency and energy conservation” and thereby*
12 *reimbursable by their general fund.*

13 *(i) Nothing in this section shall prevent a city or county from*
14 *establishing its own benchmarking program requiring collection,*
15 *delivery, and disclosure of building information.*

16 **SECTION 4.**

17 **SEC. 6.** Section 381.2 of the Public Utilities Code is amended
18 to read:

19 381.2. (a) The commission shall investigate the ability of
20 electrical corporations and gas corporations to provide various
21 energy efficiency financing options to their customers for the
22 purposes of implementing the program developed pursuant to
23 Section 25943 of the Public Resources Code.

24 ~~(b) (1) By July 1, 2016, Recognizing the already underway~~
25 ~~2015 commission work to adopt efficiency potential and goals, the~~
26 ~~Energy Commission work on its 2015 energy demand forecast,~~
27 ~~and the need to determine how to incorporate meter-based~~
28 ~~performance into determinations of goals, portfolio~~
29 ~~cost-effectiveness, and authorized budgets, the commission, in a~~
30 ~~separate or existing proceeding, shall shall, by September 1, 2016,~~
31 ~~authorize electrical corporations or gas corporations to recover in~~
32 ~~rates the reasonable costs of programs that provide financial~~
33 ~~incentives, rebates, technical assistance, and support to their~~
34 ~~customers to increase the energy efficiency of existing buildings~~
35 ~~based on all estimated energy savings and energy usage reductions,~~
36 ~~taking into consideration the overall reduction in normalized~~
37 ~~metered energy consumption as a measure of energy savings. Those~~
38 ~~programs shall include energy usage reductions resulting from the~~
39 ~~adoption of a measure or installation of equipment required for~~
40 ~~modifications to existing buildings to bring them into conformity~~

1 with, or exceed, the requirements of Title 24 of the California Code
 2 of Regulations, as well as operational, behavioral, and
 3 retrocommissioning activities. *activities reasonably expected to*
 4 *produce multiyear savings. Electrical corporations and gas*
 5 *corporations shall be permitted to recover in rates the reasonable*
 6 *costs of these programs.* The commission shall authorize an
 7 electrical corporation and gas corporation to count all energy
 8 savings achieved *through the authorized programs created by this*
 9 *subdivision, unless determined otherwise, toward overall energy*
 10 *efficiency goals or targets established by the commission.* The
 11 commission may adjust the energy efficiency goals or targets of
 12 an electrical corporation and gas corporation to reflect ~~the energy~~
 13 ~~efficiency savings achieved in meeting or exceeding the~~
 14 ~~requirements of Title 24 of the California Code of Regulations in~~
 15 ~~existing buildings.~~ *this change in savings estimation consistent*
 16 *with this subdivision and subdivision (d).*

17 (c) *Effective January 1, 2016, electrical corporations and gas*
 18 *corporations are authorized to implement the provisions of*
 19 *subdivision (b) for high opportunity projects or programs. The*
 20 *commission shall provide expedited authorization of high*
 21 *opportunity projects and programs to apply the savings baseline*
 22 *provisions in subdivision (b).*

23 (d) *In furtherance of subdivision (b), the commission, in*
 24 *consultation with the Energy Commission, shall consider all of*
 25 *the following:*

26 (1) *The results of any interagency baseline assessment.*

27 (2) *Any available results from investor-owned utility baseline*
 28 *pilot studies ordered in D.14-10-046.*

29 (3) *Information necessary to ensure consistency with the energy*
 30 *forecast and planning functions of the Energy Commission and*
 31 *the Independent System Operator.*

32 (e) *The commission may direct electrical corporations and gas*
 33 *corporations to make filings that are necessary to ensure*
 34 *coordination with the energy forecast and planning functions of*
 35 *the Energy Commission and the Independent System Operator.*

36 ~~(2)~~

37 (f) *The commission shall prioritize energy efficiency activities*
 38 *consistent with Sections 454.55 and 454.56.*

39 ~~(e) In the report prepared pursuant to Section 384.2, the~~
 40 ~~commission shall include an assessment of each electrical~~

1 ~~corporation's and each gas corporation's implementation of the~~
2 ~~program developed pursuant to Section 25943 of the Public~~
3 ~~Resources Code.~~

4 ~~(d) This section does not require the commission to increase~~
5 ~~funding for energy efficiency programs of electric corporations or~~
6 ~~gas corporations that are recoverable in rates.~~

7 *SEC. 7. Section 384.2 of the Public Utilities Code is amended*
8 *and renumbered to read:*

9 ~~384.2.~~

10 913.7. The commission shall submit a report to the Legislature
11 by July 15, 2009, and triennially thereafter, on the energy efficiency
12 and conservation programs it oversees. The report shall include
13 information regarding authorized utility budgets and expenditures
14 and projected and actual energy savings over the program cycle.

15 *SEC. 8. Section 913.8 is added to the Public Resources Code,*
16 *to read:*

17 913.8. *In the report prepared pursuant Section 913.7, the*
18 *commission shall include an assessment of each electrical*
19 *corporation's and each gas corporation's implementation of the*
20 *program developed pursuant to Section 25943 of the Public*
21 *Resources Code.*